

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

**MONROE COUNTY, FLORIDA
MONROE COUNTY BOARD OF COUNTY COMMISSIONERS
ORDINANCE - 2009**

AN ORDINANCE OF THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS CREATING POLICY 101.4.20 OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN; DISCOURAGING FUTURE LAND USE MAP CHANGES WHICH INCREASE DENSITY/INTENSITY; REQUIRING MONROE COUNTY TO COMPLETE A YEAR 2020 NEEDS ANALYSIS BASED ON PROJECTED GROWTH AND OTHER CRITERIA; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; DIRECTING THE DIRECTOR OF PLANNING TO FORWARD A COPY TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING FOR FILING WITH THE SECRETARY OF STATE; PROVIDING FOR THE INCORPORATION INTO THE COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE

21
22
23
24
25
26

WHEREAS, during a regularly scheduled public hearing held on June 10, 2009 and June 24, 2009, Monroe County Planning Commission conducted a review and consideration of a resolution to transmit an ordinance by the Monroe County Board of County Commissioners to the Florida Department of Community Affairs creating Policy 101.4.20 of the Monroe County Year 2010 Comprehensive Plan.

27
28
29
30
31
32

WHEREAS, The Florida Administration Commission (F.A.C.) is proposing new Rule 28-20.130 implementing Section 380.0552(4) of the Florida Statutes. The proposed rule requires Monroe County to report annually to the Administration Commission, describing its progress in completing the remaining Work Program tasks as depicted in the Monroe County Year 2010 Comprehensive Plan Policy 101.2.13 and Rule 28-20.110 Florida Administrative Code; and

33
34
35
36

WHEREAS, to assist in completing work program tasks Year 6, Task C and Year 8, Task F, a new policy regarding carrying capacity and habitat protection must be transmitted to the Department of Community Affairs (DCA) prior to July 31, 2009; and

37
38
39
40
41
42
43

WHEREAS, Monroe County Year 2010 Comprehensive Plan Policy 101.2.13 and Work Program in Rule 28-20.110, F.A.C Year 6, Task C states "Implement the carrying capacity study by, among other things, the adoption of all necessary plan amendments to establish a rate of growth and a set of development standards that ensure that any and all new development does not exceed the capacity of the county's environment and marine system to accommodate additional impacts;" and

1 **WHEREAS**, Monroe County Year 2010 Comprehensive Plan Policy 101.2.13 and Work
2 Program in Rule 28-20.110, F.A.C. Year Eight (8), Task F states “Adopt amendments to the
3 comprehensive plan and land development regulations to enact overlay designations, and
4 eliminate or revise the Habitat Evaluation Index, and modify the ROGO/NROGO system to
5 guide development away from environmentally sensitive lands;” and
6

7 **WHEREAS**, based upon the information and documentation submitted, the Planning
8 Commission makes the Findings of Fact and Conclusions of Law:
9

- 10 1. The purpose of new Policy 101.4.20 is to discourage future land use changes which
11 increase density/intensity and requiring Monroe County to complete a year 2020
12 needs analysis based on projected growth and other criteria.
13

14 **WHEREAS**, the proposed amendment is consistent with the Florida Statutes, Section
15 163. Specifically, the amendment furthers:
16

- 17 1. Section 163.3177(6)(a), bases the future land use plan on surveys, studies and data in
18 and surrounding the area. The data includes the amount of land needed for
19 anticipated growth, projected population and availability of public facilities,
20 compatibility of adjacent lands and the discouragement of urban sprawl, among other
21 items.
22
- 23 2. Section 163.3178(2)(b), Florida Statutes requires environmental, socioeconomic, and
24 fiscal impact of development and redevelopment to support infrastructures as well as
25 having plans and principles to defer development from environmentally sensitive
26 areas.
27

28 **WHEREAS**, the proposed amendment is consistent with the Florida Administration
29 Commission (F.A.C.), Chapter 9J-5. Specifically, the amendment furthers:
30

- 31 1. 9J-5.006(3)(b)4 F.A.C. ensures the protection of natural resources and historic
32 resources.
33
- 34 2. 9J-5.0012(3)(b)1 F.A.C. protects, conserve, or enhance remaining coastal wetlands,
35 living marine resources, coastal barriers, and wildlife habitat.
36
- 37 3. 9J-5.0013(2)(c)3 F.A.C. protects native vegetative communities from destruction by
38 development activities.
39
- 40 4. 9J-5.0013(2)(c)5 F.A.C. restricts activities known to adversely affect the survival of
41 endangered and threatened wildlife.
42
- 43 5. 9J-5.0013(2)(c)6 F.A.C. protects conservation of the natural functions of existing
44 soils, fisheries, wildlife habitats, rivers, bays, lakes, floodplains, harbors, wetlands
45 including estuarine marshes, freshwater beaches and shores, and marine habitats.

- 1
2 6. 9J-5.0013(3)(b) F.A.C. directs development away from wetlands by using land use
3 factors such as type, intensity or density, extent, distribution and location of allowable
4 land uses and the types, values, functions, sizes, conditions and locations of wetlands.
5

6 **WHEREAS**, the proposed amendment is consistent with the Monroe County Year
7 2010 Comprehensive Plan. Specifically, the amendment furthers:
8

- 9 1. Goal 101 of the Monroe County Year 2010 Comprehensive Plan enhances the quality
10 of life, ensures safety of people and protection of natural resources.
11
12 2. Goal 105 of the Monroe County Year 2010 Comprehensive Plan provides a
13 framework for future development and land acquisition for the next 20 years.
14
15 3. Policy 105.1.5 of the Monroe County Year 2010 Comprehensive Plan directs Monroe
16 County to direct future residential development to Tier III lands in accordance with
17 Policy 105.2.2.
18
19 4. Policy 105.1.6 of the Monroe County Year 2010 Comprehensive Plan directs the
20 county to revise NROGO in accordance with Policies 105.2.1 and 105.2.15.
21
22 5. Goal 105.2.1 of the Monroe County Year 2010 Comprehensive Plan defines Tier I as
23 environmentally sensitive, development severely restricted and the retirement of
24 privately owned vacant lands should be used for resource conservation and passive
25 recreation purposes.
26
27 6. Policy 105.2.2 of the Monroe County Year 2010 Comprehensive Plan directs the
28 county to create an overlay map for the Tier system.
29
30 7. Policy 105.2.15 of the Monroe County Year 2010 Comprehensive Plan directs the
31 county to refer development to community centers which are located in the Tier III
32 designations.
33
34 8. Section 4.2 of the Monroe County Year 2010 Comprehensive Plan requires
35 availability of public facilities and ability to meet the level of service standards to be
36 concurrent with the impact of new development.
37

38 **WHEREAS**, the proposed amendment is consistent with the Key Largo Livable
39 CommuniKeys Plan. Specifically, the amendment furthers:
40

- 41 1. On May 21, 2007, The BOCC adopted The Key Largo Livable CommuniKeys Plan.
42
43 2. Strategy 1.3 of the Key Largo Livable CommuniKeys Master Plan supports the
44 utilization of the FLUM to regulate density and intensity of individual parcels.
45

- 1 3. Action Item 1.3.1 of the Key Largo Livable CommuniKeys Master Plan continues to
2 utilize the FLUM to protect the density and intensity and to regulate and promote
3 orderly development.
4

5 **WHEREAS**, the proposed amendment is consistent with the Big Pine Key / No
6 Name Key Livable CommuniKeys Plan. Specifically, the amendment furthers:
7

- 8 1. On December 27, 2004, the BOCC adopted the Big Pine Key / No Name Key Livable
9 CommuniKeys Plan.
10
11 2. Strategy 2.1 of the Big Pine and No Name Key Livable CommuniKeys Master Plan
12 regulates development with respect to density and intensity by using the tier map
13 overlay to guide future development.
14

15 **WHEREAS**, the proposed amendment is consistent with the Monroe County Code.
16 Specifically, the amendment furthers:
17

- 18 1. Section 114-2 of the Monroe County Code requires all development to be served by
19 adequate public facilities.
20

21 **WHEREAS**, Pursuant to Chapter 380-0552(7) Florida Statutes, the proposed
22 amendment is consistent with the Principles for Guiding Development as a whole and is not
23 inconsistent with any Principle.
24

25 **WHEREAS**, On June 10, 2009, the Monroe County Planning Commission held a
26 public hearing on the proposed comprehensive plan amendment and in due consideration of
27 public comment recommended passing a resolution to the Board of County Commissioners
28 approving the transmittal to the Florida Department Community Affairs of an ordinance to
29 amend the Monroe County Comprehensive Plan; and
30

31 **WHEREAS**, the Monroe County Planning and Environmental Resources Department
32 staff has found that all of the required standards are met and recommends approval;
33

34 **NOW THEREFORE, BE IT RESOLVED BY THE PLANNING**
35 **COMMISSION OF MONROE COUNTY, FLORIDA**, that the preceding Findings of Fact
36 and Conclusions of Law support its decision to **RECOMMEND APPROVAL** to the
37 Monroe County Board of County Commissions to create Policy 101.4.20 of the Monroe
38 County Year 2010 Comprehensive Plan:
39

40 [Amendments are presented in ~~striketrough~~ to indicate deletions and underline to indicate
41 additions to text. All other words, characters, and language of this subsection remain
42 unamended.]
43

1 **Section 1.** Policy 101.4.20 of the Monroe County Year 2010 Comprehensive Plan is hereby
2 amended to include the following:
3

4 Discourage future land use changes, throughout unincorporated Monroe County,
5 including Ocean Reef, which increase allowable density/intensity. Monroe County
6 shall complete a needs analysis through 2020 based upon the amount of vacant lands,
7 the adopted density of the future land use designations and their existing yields, the
8 projected population, the projected rate of growth allocations and the availability of
9 public facilities and services. The needs analysis will be considered when reviewing
10 proposed FLUM amendments.
11

12 This policy discourages development where it is not appropriate and directs
13 development where it is appropriate through the implementation of the following
14 Monroe County regulatory documents:
15

- 16 1. Adopted Level of Service Standards
- 17 2. Big Pine Key/No Name Key Incidental Take Permit and Habitat
18 Conservation Plan
- 19 3. Carrying Capacity Study
- 20 4. Livable CommuniKeys Plans
- 21 5. Monroe County Land Development Code
- 22 6. Public Facilities
- 23 7. Rate of Growth Ordinance
- 24 8. Tier System
- 25 9. Monroe County Comprehensive Plan Goals, Objectives and Policies
26

27 **Section 2.** If any section, subsection, sentence, clause, item, change, or provision of this
28 ordinance is held invalid, the remainder of this ordinance shall not be affected by such
29 validity.
30

31 **Section 3.** All ordinances or parts of ordinances in conflict with this ordinance are hereby
32 repealed to the extent of said conflict.
33

34 **Section 4.** This ordinance shall be transmitted by the Planning Department to the
35 Department of Community Affairs to determine the consistency of this ordinance with the
36 Florida Statutes.
37

38 **Section 5.** This ordinance shall be filed in the Office of the Secretary of State of Florida, but
39 shall not become effective until a notice is issued by the Department of Community Affairs
40 or Administration Commission approving this ordinance.
41

42 **Section 6.** When effective, this amendment shall be incorporated into the Monroe County
43 Year 2010 Comprehensive Plan.
44
45

1 **PASSED AND ADOPTED BY THE** Board of County Commissioners of Monroe
2 County, Florida, at a special meeting held on the day of 2009.
3

4 Mayor George Neugent _____
5 Mayor Pro Tem Sylvia Murphy _____
6 Commissioner Kim Wigington _____
7 Commissioner Heather Carruthers _____
8 Commissioner Mario Di Gennaro _____
9

10 BOARD OF COUNTY COMMISSIONERS OF
11 MONROE COUNTY, FLORIDA
12

13 BY _____
14 Mayor George Neugent
15

16 (SEAL)
17

18 ATTEST: DANNY L. KOLHAGE, CLERK
19

20
21
22 _____
23 DEPUTY CLERK